

Last revised 8/1/15

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW JERSEY**

In Re:  
Joanne R. Messey,

Case No.: 13-24589  
Judge: Kathryn C. Ferguson  
Chapter: 13

Debtor(s)

**Chapter 13 Plan and Motions**

- ☐ Original ☒ Modified/Notice Required ☒ Discharge Sought  
☐ Motions Included ☐ Modified/No Notice Required ☐ No Discharge Sought

Date: 1/4/17

THE DEBTOR HAS FILED FOR RELIEF UNDER  
CHAPTER 13 OF THE BANKRUPTCY CODE

**YOUR RIGHTS WILL BE AFFECTED**

You should have received from the court a separate *Notice of the Hearing on Confirmation of Plan*, which contains the date of the confirmation hearing on the Plan proposed by the Debtor. This document is the actual Plan proposed by the Debtor to adjust debts. You should read these papers carefully and discuss them with your attorney. Anyone who wishes to oppose any provision of this Plan or any motion included in it must file a written objection within the time frame stated in the Notice. **This Plan may be confirmed and become binding, and included motions may be granted without further notice or hearing, unless written objection is filed before the deadline stated in the Notice.**

**YOU SHOULD FILE A PROOF OF CLAIM BY THE DEADLINE STATED  
IN THE NOTICE TO RECEIVE DISTRIBUTIONS UNDER ANY PLAN  
THAT MAY BE CONFIRMED, EVEN IF THE PLAN REFERS TO YOUR CLAIM**

**Part 1: Payment and Length of Plan**

a. The debtor shall pay \$ 303.00\* per month to the Chapter 13 Trustee, starting on 3/1/17 for approximately 29 months.

b. The debtor shall make plan payments to the Trustee from the following sources:

- ☒ Future earnings  
☐ Other sources of funding (describe source, amount and date when funds are available):  
\*12,320.50 paid to date, 303.00 x 29

c. Use of real property to satisfy plan obligations:

- ☐ Sale of real property

Description:

Proposed date for completion: \_\_\_\_\_

- ☐ Refinance of real property:

Description:

Proposed date for completion: \_\_\_\_\_

- ☒ Loan modification with respect to mortgage encumbering property:

Description: 1st mtg w/ 21st Mtg Corp on 25 Vincent Drive, Burlington, NJ

Proposed date for completion: 8/15/17

- d. ☐ The regular monthly mortgage payment will continue pending the sale, refinance or loan modification.

- e. ☐ Other information that may be important relating to the payment and length of plan:

**Part 2: Adequate Protection**

a. Adequate protection payments will be made in the amount of \$ \_\_\_\_\_ to be paid to the Chapter 13 Trustee and disbursed pre-confirmation to \_\_\_\_\_ (creditor).

b. Adequate protection payments will be made in the amount of \$ \_\_\_\_\_ to be paid directly by the debtor(s) outside the Plan, pre-confirmation to: \_\_\_\_\_ (creditor).

**Part 3: Priority Claims (Including Administrative Expenses)**

All allowed priority claims will be paid in full unless the creditor agrees otherwise:

Creditor	Type of Priority	Amount to be Paid
Scott E. Kaplan Scott E. Kaplan Scott E. Kaplan	balance of retainer previous fee orders fee app to be filed	2000.00 paid 3737.50 paid 700.00

**Part 4: Secured Claims**

**a. Curing Default and Maintaining Payments**

The Debtor shall pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor shall pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)

**b. Modification**

1.) The debtor values collateral as indicated below. If the claim may be modified under Section 1322(b)(2), the secured creditor shall be paid the amount listed as the "Value of the Creditor Interest in Collateral," plus interest as stated. The portion of any allowed claim that exceeds that value shall be treated as an unsecured claim. If a secured claim is identified as having "NO VALUE" it shall be treated as an unsecured claim.

**NOTE: A modification under this Section ALSO REQUIRES the appropriate motion to be filed under Section 7 of the Plan.**

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor Interest in Collateral	Annual Interest Rate	Total Amount to be Paid
Patricia Ronayne, Esq.	residence	\$7,000.00 (Judg orig'ly \$13,613.10)	200,000	\$222,227	0.00		0.00

2.) Where the Debtor retains collateral and completes the Plan, payment of the full amount of the allowed secured claim shall discharge the corresponding lien.  
0.00

**c. Surrender**

Upon confirmation, the stay is terminated as to surrendered collateral. The Debtor surrenders the following collateral:

Creditor	Collateral to be Surrendered	Value of Surrendered Collateral	Remaining Unsecured Debt
BSI Financial BSI Financial	240 Millbrook Dr 1202 Cleveland Ave	unknown unknown	

**d. Secured Claims Unaffected by the Plan**

The following secured claims are unaffected by the Plan:  
21st Mtg Corp - to be paid outside plan due to stay lift

**e. Secured Claims to be Paid in Full Through the Plan:**

Creditor	Collateral	Total Amount to be Paid Through the Plan
NJ Div of Taxation		3484.56 paid

**Part 5: Unsecured Claims**

**a. Not separately classified** allowed non-priority unsecured claims shall be paid:

- ☐ Not less than \$ \_\_\_\_\_ to be distributed *pro rata*  
☐ Not less than \_\_\_\_\_ percent  
☒ *Pro Rata* distribution from any remaining funds

**b. Separately classified unsecured** claims shall be treated as follows:

Creditor	Basis For Separate Classification	Treatment	Amount to be Paid

**Part 6: Executory Contracts and Unexpired Leases**

All executory contracts and unexpired leases are rejected, except the following, which are assumed:

Creditor	Nature of Contract or Lease	Treatment by Debtor

**Part 7: Motions**

**NOTE: All plans containing motions must be served on all potentially affected creditors, together with local form, *Notice of Chapter 13 Plan Transmittal*, within the time and in the manner set forth in D.N.J. LBR 3015-1. A *Certification of Service* must be filed with the Clerk of Court when the plan and transmittal notice are served.**

**a. Motion to Avoid Liens Under 11. U.S.C. Section 522(f).**

The Debtor moves to avoid the following liens that impair exemptions:

Creditor	Nature of Collateral	Type of Lien	Amount of Lien	Value of Collateral	Amount of Claimed Exemption	Sum of All Other Liens Against the Property	Amount of Lien to be Avoided
Capital One	residence	judgment	1331.00				1331.00

**b. Motion to Avoid Liens and Reclassify Claim From Secured to Completely Unsecured.**

The Debtor moves to reclassify the following claims as unsecured and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Amount of Lien to be Reclassified
Patricia Ronayne, Esq Capital One	residence residence	all all

**c. Motion to Partially Void Liens and Reclassify Underlying Claims as Partially Secured and Partially Unsecured.**

The Debtor moves to reclassify the following claims as partially secured and partially unsecured, and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Amount to be Deemed Secured	Amount to be Reclassified as Unsecured

**Part 8: Other Plan Provisions**

**a. Vesting of Property of the Estate**

- ☒ Upon confirmation  
☐ Upon discharge

**b. Payment Notices**

Creditors and Lessors provided for in Parts 4, 6 or 7 may continue to mail customary notices or coupons to the Debtor notwithstanding the automatic stay.

**c. Order of Distribution**

The Trustee shall pay allowed claims in the following order:

- 1) Trustee commissions
- 2) Attorney/Administrative
- 3) Secured
- 4) Priority 5) Unsecured

**d. Post-Petition Claims**

The Trustee ☐ is, ☒ is not authorized to pay post-petition claims filed pursuant to 11 U.S.C. Section 1305(a) in the amount filed by the post-petition claimant.

**Part 9: Modification**

If this Plan modifies a Plan previously filed in this case, complete the information below.

Date of Plan being Modified: 9/23/14.

Explain below **why** the plan is being modified:

21st Mtg to be paid outside due to stay lift, proposing new loan mod with 21st Mtg

Explain below **how** the plan is being modified:

Added loan mod w/ 21st Mtg to Part 1c; Added 21st Mtg to Part 4d

Are Schedules I and J being filed simultaneously with this Modified Plan?

☒ Yes ☐ No

**Part 10: Sign Here**

The Debtor(s) and the attorney for the Debtor (if any) must sign this Plan.

Date: 2/3/17

/s/Scott E. Kaplan  
Attorney for the Debtor

I certify under penalty of perjury that the above is true.

Date: 2/3/17

/s/Joanne R. Messey  
Debtor

Date: \_\_\_\_\_

\_\_\_\_\_  
Joint Debtor

## Imaged Certificate of Notice Page 8 of 9

United States Bankruptcy Court  
District of New JerseyIn re:  
Joanne R Messey  
DebtorCase No. 13-24589-KCF  
Chapter 13**CERTIFICATE OF NOTICE**

District/off: 0312-3

User: admin  
Form ID: pdf901Page 1 of 2  
Total Noticed: 24

Date Rcvd: Feb 07, 2017

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Feb 09, 2017.

db +Joanne R Messey, 25 Vincent Drive, Burlington, NJ 08016-3849  
 cr +21st Mortgage Corporation, c/o Helfand & Helfand, 350 Fifth Avenue, Suite 5330,  
 New York, NY 10118-5306  
 sp +Scott E Kaplan, Law Offices of Scott E. Kaplan, LLC, 12 N. Main Street,  
 Allentown, NJ 08501-1607  
 lm +Wells Fargo Bank N.A., 3476 Stateview Blvd., MAC X7801-013, Ft. Mill, SC 29715-7203  
 514049722 +Apex Asset, 1891 Santa Barbara Dr St, Lancaster, PA 17601-4106  
 514049724 +BYL Collection Services, LLC, 301 Lacey Street, West Chester, PA 19382-3727  
 514049723 +Bsi Financial Services, 314 S Franklin Street, Titusville, PA 16354-2168  
 514049725 ++CAPITAL ONE, PO BOX 30285, SALT LAKE CITY UT 84130-0285  
 (address filed with court: Cap One, Po Box 85520, Richmond, VA 23285)  
 514122204 Capital One Bank (USA), N.A., PO Box 71083, Charlotte, NC 28272-1083  
 514049726 +Chase, P.O. Box 15298, Wilmington, DE 19850-5298  
 514049727 +Convergent Outsourcing, Inc, 800 SW 39th St/P.O. Box 9004, Renton, WA 98057-9004  
 514049728 Hampton Hospital, 650 Rancocas Road, Westampton, NJ 08060-5613  
 514049731 PSE&G, P.O. Box 14444, New Brunswick, NJ 08906-4444  
 514049729 +Patricia Ronayne, Esquire, 644 S. Church Street, Mt Laurel, NJ 08054-1302  
 514049734 ++STATE OF NEW JERSEY, DIVISION OF TAXATION BANKRUPTCY UNIT, PO BOX 245,  
 TRENTON NJ 08646-0245  
 (address filed with court: State of NJ, Div of Taxation, P.O. Box 245,  
 Trenton, NJ 08646-0245)  
 514049732 +Sears/cbna, Po Box 6282, Sioux Falls, SD 57117-6282  
 514049733 St Mary Medical Center, C/O Financial Recoveries, P.O. Box 1388,  
 Mt Laurel, NJ 08054-7388  
 514316763 +Wells Fargo Bank, N.A., c/o Zucker Goldberg & Ackerman, 200 Sheffied Street, Suite 301,  
 Mountainside, NJ 07092-2315  
 514317907 +Wells Fargo Bank, N.A., ATTN: Bankruptcy Dept., MAC# D3347-014, 3476 Stateview Blvd.,  
 Fort Mill, SC 29715-7203  
 514049735 Wells Fargo Hm Mortgag, 7255 Baymeadows Wa, Des Moines, IA 50306

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

smg E-mail/Text: usanj.njbankr@usdoj.gov Feb 07 2017 22:40:42 U.S. Attorney, 970 Broad St.,  
 Room 502, Rodino Federal Bldg., Newark, NJ 07102-2534  
 smg +E-mail/Text: ustpregion03.ne.ecf@usdoj.gov Feb 07 2017 22:40:39 United States Trustee,  
 Office of the United States Trustee, 1085 Raymond Blvd., One Newark Center, Suite 2100,  
 Newark, NJ 07102-5235  
 516193361 Fax: 800-813-8164 Feb 07 2017 23:24:00 21st Mortgage Corporation, PO Box 477,  
 Knoxville TN, 37901  
 514194573 +E-mail/Text: bankruptcy@pseg.com Feb 07 2017 22:39:41 PSE&G, Attn: Bankruptcy Dept,  
 PO Box 490, Cranford NJ 07016-0490

TOTAL: 4

\*\*\*\*\* BYPASSED RECIPIENTS (undeliverable, \* duplicate) \*\*\*\*\*

516193362\* ++21ST MORTGAGE CORPORATION, PO BOX 477, KNOXVILLE TN 37901-0477  
 (address filed with court: 21st Mortgage Corporation, PO Box 477, Knoxville TN, 37901)  
 514226406\* ++STATE OF NEW JERSEY, DIVISION OF TAXATION BANKRUPTCY UNIT, PO BOX 245,  
 TRENTON NJ 08646-0245  
 (address filed with court: State of New Jersey, Department of Treasury,  
 Division of Taxation, PO Box 245, Trenton, NJ 08695-0245)  
 514049730 ##+Pentagroup Financial, 5959 Corporate Dri, Houston, TX 77036-2311

TOTALS: 0, \* 2, ## 1

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.  
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address  
pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).Addresses marked '##' were identified by the USPS National Change of Address system as undeliverable. Notices  
will no longer be delivered by the USPS to these addresses; therefore, they have been bypassed. The  
debtor's attorney or pro se debtor was advised that the specified notice was undeliverable.



District/off: 0312-3

User: admin  
Form ID: pdf901

Page 2 of 2  
Total Noticed: 24

Date Rcvd: Feb 07, 2017

\*\*\*\*\* BYPASSED RECIPIENTS (continued) \*\*\*\*\*

**I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.**

**Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.**

Date: Feb 09, 2017

Signature: /s/Joseph Speetjens

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## CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on February 3, 2017 at the address(es) listed below:

Albert Russo on behalf of Trustee Albert Russo docs@russotrustee.com  
Albert Russo docs@russotrustee.com  
Albert Russo (NA) on behalf of Trustee Albert Russo docs@russotrustee.com  
Andrew L. Spivack on behalf of Creditor WELLS FARGO BANK, N.A. nj.bkecf@fedphe.com  
Denise E. Carlon on behalf of Creditor Wells Fargo Bank, N.A.  
bankruptcynotice@zuckergoldberg.com, bkgroup@kmlawgroup.com  
Denise E. Carlon on behalf of Loss Mitigation Wells Fargo Bank N.A.  
bankruptcynotice@zuckergoldberg.com, bkgroup@kmlawgroup.com  
Michael C. D'Aries on behalf of Creditor 21st Mortgage Corporation mdaries@helfandlaw.com,  
ahelfand@helfandlaw.com  
R. A. Lebron on behalf of Creditor BSI FINANCIAL as servicer for, FIRST BANK RICHMOND  
bankruptcy@feinsuch.com  
Scott E. Kaplan on behalf of Debtor Joanne R Messey scott@sekaplanlaw.com,  
felisha@sekaplanlaw.com, sekparalegal@gmail.com

TOTAL: 9